

PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 52.00

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | 10/723,648 |
| Filing Date | 11/26/2003 |
| First Named Inventor | Allan R. Wells |
| Examiner Name | Martin, Angela J. |
| Art Unit | 1795 |
| Attorney Docket No. | DE258-67262/DP-308340 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-4635 Deposit Account Name: Woods Oviatt Gilman

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 330 | 165 | 540 | 270 | 220 | 110 | |
| Design | 220 | 110 | 100 | 50 | 140 | 70 | |
| Plant | 220 | 110 | 330 | 165 | 170 | 85 | |
| Reissue | 330 | 165 | 540 | 270 | 650 | 325 | |
| Provisional | 220 | 110 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 52 | 26 |
| 220 | 110 |
| 390 | 195 |

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 21 | - 20 or HP = 1 | x 52.00 | = 52.00 |

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| | - 3 or HP = | x | = |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|--------------------------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| | - 100 = | / 50 = | (round up to a whole number) x | = |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

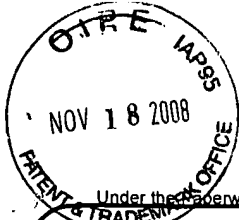
Other (e.g., late filing surcharge): _____

Fees Paid (\$)**SUBMITTED BY**

| | | | |
|-------------------|-------------------------|--|--------------------------|
| Signature | | Registration No. (Attorney/Agent) 46,653 | Telephone (585) 987-2800 |
| Name (Print/Type) | Dennis B. Danella, Esq. | | Date November 14, 2008 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

20

Application Number

10/723,648

Filing Date

11/26/2003

First Named Inventor

Allan R. Wells

Art Unit

1795

Examiner Name

Martin, Angela J.

Attorney Docket Number

DE258-67262/DP-308340

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

See Remarks

Remarks

Amendment and Response to Office Action (13 pages);
Fee Transmittal (1 page);
Certificate of Mailing by First Class Mail for the above;
Return Receipt Postcards (2).

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Woods Oviatt Gilman LLP

Signature

Printed name

Dennis B. Danella, Esq.

Date

November 14, 2008

Reg. No.

46,653

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Lydia A. Ginther

Date

November 14, 2008

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
Serial No.: 10/723,648 (DE258-67262/DP-308340)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

| | | | |
|---------------|------------------------|---|-----------------------|
| Applicant(s): | Allan R. Wells et al. |) | Examiner: A. Martin |
| | |) | |
| Serial No.: | 10/723,648 |) | Art Unit: 1795 |
| | |) | |
| Filed: | November 26, 2003 |) | Confirmation No. 8779 |
| | |) | |
| For: | PEM FUEL CELL ASSEMBLY |) | |
| | FORMED OF MODULAR |) | |
| | SUB-ASSEMBLIES |) | |
| | |) | |

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 C.F.R. 1.8)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following correspondence:

Fee Transmittal (1 page)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 C.F.R. 1.8(a)] on

November 14, 2008
Date

Lydia A. Ginther
(Typed or printed name of person
mailing paper or fee)

Lydia A. Ginther
(Signature of person mailing paper
or fee)



PATENT
Serial No.: 10/723,648 (DE258-67262/DP-308340)

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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|---------------|------------------------|---|-----------------------|
| Applicant(s): | Allan R. Wells et al. |) | Examiner: A. Martin |
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| Serial No.: | 10/723,648 |) | Art Unit: 1795 |
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| | SUB-ASSEMBLIES |) | |
| | |) | |

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 C.F.R. 1.8)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following correspondence:

Amendment and Response to Office Action (16 pages)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 C.F.R. 1.8(a)] on

November 14, 2008
Date

Lydia A. Ginther
(Typed or printed name of person
mailing paper or fee)

Lydia A. Ginther
(Signature of person mailing paper
or fee)



PATENT
Serial No. 10/723,648 (DE258-67262/DP-308340)
Response to Office Action mailed August 14, 2008

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

| | | | |
|---------------|---|---|-----------------------|
| Applicant(s): | Allan R. Wells et al. |) | Examiner: A. Martin |
| Serial No.: | 10/723,648 |) | |
| Filed: | November 26, 2003 |) | Art Unit: 1795 |
| For: | PEM FUEL CELL ASSEMBLY FORMED OF MODULAR SUB-ASSEMBLIES |) | Confirmation No. 8779 |

AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed August 14, 2008, please amend the above-identified patent application as following:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks beginning on page 9 of this paper.